

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

At the outset, the undersigned expresses appreciation to Examiner Weeks for her time and attention during the interview conducted at the U.S. Patent and Trademark Office on February 5, 2008. The remarks below discuss the substance of the interview.

As discussed during the interview and explained in the prior response, known types of machines for packaging pourable food products should preferably be capable of producing packages of different sizes or volumes. This typically requires alterations to the machine, for example replacing the forming flaps on the jaws which also entails replacing the fixed cams to appropriately control the movement of the different forming flaps.

The form-and-seal unit at issue here advantageously makes it possible to select forming flaps from a number of different types of forming flaps that differ in size for producing respective types of packages, without the need for also changing the fixed cams to accommodate and appropriately control the movement of the forming flaps used to produce the packages of different volume or size. As discussed by way of the disclosed embodiments illustrated and described in the present application, the form-and-seal unit at issue here includes fixed cams 25 provided with different work profiles 37, 38 that are selectively engageable by the cam followers or cam follower means 30 of different types of forming flaps. The movement of one type of forming flaps is controlled by one pair of work profiles 37, while the movement of a different type of forming flaps is controlled by a different

pair of work profiles 38. It is thus possible to produce packages of different size or volume by changing the forming flaps which are differently configured for the specific type of package being produced.

Independent Claim 11 is the first independent claim discussed during the interview. As the undersigned explained, this claim defines that the form-and-seal unit comprises, in combination with the other claimed features, two spaced apart guides symmetrically positioned relative to a vertical longitudinal plane. This vertical longitudinal plane is identified as the plane  $\alpha$  in Fig. 1. Claim 11 goes on to recite that the first and second pairs of work profiles are spaced different distances from this vertical longitudinal plane. For purposes of reference, this is discussed in the first full paragraph on page 11 of the present application.

As explained during the interview, U.S. Patent No. 6,543,205 to *Faskhoody et al.* discloses two guides 4 that are symmetrically positioned relative to the vertical longitudinal plane  $\alpha$  as shown in Fig. 1. However, the fixed cams 56 disclosed in *Faskhoody et al.* do not include a first pair of work profiles and a second pair of work profiles, wherein the first and second pairs of work profiles are spaced different distances from the vertical longitudinal plane. In *Faskhoody et al.*, the fixed cams 56 only include a single pair of work profiles 57. Thus, changing the type of forming flap to produce packages of different size or volume requires a change in the cam 56 to provide different work profiles specifically adapted to control the movement of the different forming flaps.

The Claim 11 rejection set forth in the most recent Official Action is based on the interpretation that the upper portion of the single pair of work profiles 57 constitutes a first pair of work profiles, and the lower portion of the single pair of work

profiles 57 constitutes a second pair of work profiles. As the undersigned explained though, the upper and lower portions of the single pair of work profiles are spaced the same distance from the vertical longitudinal plane  $\alpha$ .

After discussing this point, Examiner Weeks agreed with the distinguishing observations, but suggested clarifying the language in Claim 11 to recite that the vertical longitudinal plane is parallel to the two spaced apart guides as illustrated in Fig. 1. By this Amendment, Claim 11 is amended in this manner. Examiner Weeks indicated that such amended version of claim 11 would appear to distinguish over the disclosure in *Faskhoody et al.* Accordingly, withdrawal of the rejection of independent claim 11 is respectfully requested.

The second claim discussed during the interview is independent Claim 15. This claim defines that the form-and-seal unit comprises, *inter alia*, a fixed cam formed as a flat plate, and work profiles on the fixed cam comprising first and second pairs of work profiles which differ in size from one another. As claimed, the first pair of work profiles are offset from the second pair of work profiles in the thickness direction of the flat plate.

As explained during the interview, the fixed cam 56 disclosed in *Faskhoody et al.*, does not include two pairs of work profiles that are offset from one another in the thickness direction of the flat plate forming the fixed cam 56. Discussing this point, Examiner Weeks suggested that Claim 15 be clarified to avoid the possibility of the width of the fixed cam 56 in *Faskhoody et al.* being interpreted as the thickness direction. The undersigned proposed amending independent Claim 15 to recite that the work profiles forming the first pair of work profiles are spaced apart from one another in the width-wise direction of the fixed cam. With this language, it is rather

apparent that the width-wise direction of the fixed cam 56 in *Faskhoody et al.* cannot constitute the thickness direction. With this clarification, Examiner Weeks expressed the view that Claim 15 appears patentably distinguishable over the disclosure in *Faskhoody et al.* As *Faskhoody et al.* clearly does not disclose two pairs of work profiles offset from one another in the thickness direction of the flat plate forming the fixed cam, the rejection of independent Claim 15 based on the disclosure in *Faskhoody et al.* should be withdrawn.

The discussion during the interview next turned to independent Claims 1 and 19. As explained during the interview, independent Claim 1 is amended to better define the first and second pairs of work profiles, taking into account the interpretation set forth in the most recent Official Action as indicated by the annotated drawing figures from *Faskhoody et al.* In particular, Claim 1 is amended to recite that the first pair of work profiles and the second pair of work profiles that are engageable by the cam follower means of respective types of forming flaps longitudinally overlap one another in the longitudinal direction of the fixed cam means, but are different from one another, so that the cam follower means of the first type of forming flap do not contact the second pair of work profiles. As pointed out during the interview and recognized by Examiner Weeks, *Faskhoody et al.* does not disclose first and second different pairs of work profiles that longitudinally overlap one another in the longitudinal direction of the fixed cam 56 so that the cam follower means of a first type of forming flap do not contact the second pair of work profiles.

Independent Claim 19 is amended to recite that each of the fixed cams comprises a plate possessing a first pair of work profiles and a different second pair of work profiles, each engageable by the cam followers of two forming flaps of

different types. Claims 19 goes on to recite that the plate comprising each fixed cam lies in a first plane. Further, the claim recites that, for each fixed cam, the first pair of work profiles and the second pair of work profiles are positioned relative to one another such that a single plane perpendicular to the first plane intersects both the first and second pairs of work profiles. As explained during the interview with respect to independent Claim 19, this language (i.e., the language reciting that a plane perpendicular to the first plane intersects both the first and second pairs of work profiles) defines, in a different manner, the longitudinally overlapping nature of at least portions of the first and second work profiles.

As pointed out during the interview and recognized by Examiner Weeks, *Faskhoody et al.* does not disclose that the fixed cam 56 has first and second pairs of work profiles as recited in Claims 1 and 19. Accordingly, withdrawal of the rejections of those claims is also respectfully requested.

The dependent claims define additional distinguishing features associated with the claimed form-and-seal unit. As these claims depend from allowable independent claims, a detailed discussion of the additional distinguishing aspects of the claimed unit set forth in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 8, 2008

By:

A handwritten signature in black ink, appearing to read "Matthew L. Schneider", written over a horizontal line.

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